

EXHIBIT 9

**COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE
PENNSYLVANIA HUMAN RELATIONS COMMISSION**

<u>Assata Acey</u> ,	:	
Complainant(s)	:	PHRC Case No. 202102397
	:	
v.	:	EEOC No.
	:	
<u>Momentum Dynamics Corporation</u> ,	:	
Respondent(s)	:	

FIRST AMENDED COMPLAINT

1. COMPLAINANT(S) (name(s)/address(es)/phone number(s))

Assata Acey
5121 Brown St
Philadelphia, PA 19139

2. RESPONDENT(S) (name(s)/address(es)/phone number(s))

(person, employer, union, labor organization or other entity against whom you are filing this complaint)

Momentum Dynamics Corporation
3 Pennsylvania Ave
Malvern, PA 19355

3. Number of Employees Employed by Respondent(s):

☐ Fewer than 4 ☐ 4 to 14 ☐ 15 to 20 ☒ 20+

4a. ☒ I was employed by Respondent as Technician since 6/14/2021.

4b. ☐ I applied for employment with Respondent as _____ on _____.

5. Protected Class(es) (check all reasons you have been discriminated against and specify the class, e.g. race, African American; sex, female)

☒ Race: African American

☐ Religious Creed:

☐ Color:

☐ National Origin:

☒ Sex: Female

☐ Ancestry:

☐ Age/Date of Birth:

☒ Retaliation

☐ Disability:

☐ Use of Guide or Support Animal

☐ Other (specify):

6. Dates of Discrimination:**Beginning:** 5/21/2021**Ending:** _____**Continuing?** ☒ **Yes**☐ **No****7. DESCRIBE THE DISCRIMINATORY CONDUCT, WITH SPECIFICITY, AND EXPLAIN HOW THE DISCRIMINATORY CONDUCT IS RELATED TO YOUR PROTECTED CLASS:**

(e.g. failure to hire, discharge from employment, demotion, leave denied, forced transfer, denial of religious or disability accommodation, retaliation)

1. I am an African American female.
2. On or about May 21, 2021, Respondent presented me with a written offer of employment for the job of Technician.
3. Prior to this offer, I was recruited and interviewed for the position of Senior Technician.
4. The stated requirements for both jobs are identical.
5. Respondent claimed that I was not qualified for the Senior Technician position, which is why they instead offered me the Technician position.
6. On or about September 7, 2021, Respondent promoted Technicians Omar Jackson (African American male) and Seth Wolgemuth (Caucasian male) to Senior Technicians.
7. I believe that Respondent denied me the position of Senior Technician and other promotional opportunities because I am an African American female, in violation of the Pennsylvania Human Relations Act.
8. On or about September 30, 2021, my cell phone was crushed in a workplace accident.
9. On or about September 30, 2021, Respondent informed me that they would reimburse me for the cost of replacing my phone.
10. The process that Respondent imposed on me to obtain reimbursement was unnecessarily complicated and burdensome.
11. I believe that Respondent treated me more harshly because I am an African American female, in violation of the Pennsylvania Human Relations Act.
12. On or about April 18, 2022, I informed Respondent that I had a physical disability that impaired my ability to concentrate and caused me physical pain.
13. On that same date, I inquired about the process for obtaining medical leave and expressed the view that Respondent's process was unfair to people with disabilities.
14. On that same date, Respondent granted my requested accommodation.
15. Respondent did not provide me with all of the administrative information that I requested during the interactive process.
16. Respondent also delayed the implementation of my reasonable accommodation.
17. I believe that Respondent withheld information and delayed the implementation of my reasonable accommodation to harass me because I am an African American female, in violation of the Pennsylvania Human Relations Act.
18. I believe that Respondent harassed me in retaliation for objecting to the way they engaged in the interactive process, in violation of the Pennsylvania Human Relations Act.

WARNING: FAILURE TO COMPLETE THIS SECTION MAY RESULT IN YOUR COMPLAINT BEING REJECTED FOR INSUFFICIENCY.

8. Based upon the foregoing, I/we allege that the Respondent(s) violated Section 5 of the Pennsylvania Human Relations Act, 43 P.S. §§ 951-963, and the implementing regulations, 16 Pa. Code §§ 41.1-47.74.
9. The Pennsylvania Human Relations Commission has jurisdiction over this matter pursuant to the Pennsylvania Human Relations Act, 43 P.S. §§ 951-963.
10. I/we pray that the Respondent(s) be required to provide all appropriate remedies under Section 9 of the Pennsylvania Human Relations Act.
11. If applicable, this Complaint will be dual-filed with the U.S. Equal Employment Opportunity Commission (EEOC), pursuant to the work-sharing agreement between the PHRC and the EEOC. Based upon the foregoing, I/we allege that the Respondent(s) violated one or more of the following federal statutes: Title VII of the Civil Rights Act of 1964 and/or The Pregnancy Discrimination Act and/or The Equal Pay Act of 1963 and/or The Age Discrimination in Employment Act of 1967 and/or Title 1 of the Americans with Disabilities Act of 1990 and/or Sections 102 and 103 of the Civil Rights Act of 1991 and/or Sections 501 and 505 of the Rehabilitation Act of 1973 and/or The Genetic Information Nondiscrimination Act of 2008.

VERIFICATION

I hereby verify that the statements contained in this Complaint are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A. § 4904, relating to unsworn falsification to authorities.

Date

Signature

Printed Name

06/21/2022

Date

Signature

Assata Acey
Printed Name

WARNING: COMPLAINTS MUST BE SIGNED AND FILED WITHIN 180 DAYS OF THE ALLEGED ACT OF HARM.

WARNING: IF YOU FAIL TO COMPLETE ANY PORTION OF THIS COMPLAINT, THE PHRC MAY NOT ACCEPT YOUR COMPLAINT FOR FILING.